

## **REMARKS**

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1, 8, 13, 18, 19, and 23 are amended. Accordingly, claims 1-31 are pending in the application.

### **I. Summary of Examiner's Interview**

A telephonic interview was conducted with the Examiner on December 5, 2007. Present at the interview for the Applicants were Jonathan S. Miller and Triet M. Nguyen. During the interview, the Examiner agreed that the art of record failed to teach scheduling resources to perform tasks for managing operations of a warehouse as disclosed in the Specification of instant application. In particular, the Examiner agreed that the cited art, as a whole, relates to determining paths (e.g., by calculating distances or assigning robots to travel on a path) without teaching a feature related to high level management of operations of a warehouse so that tasks may be scheduled in an efficient manner. The Applicants have amended the claims to incorporate such features and believe that the amendments overcome the cited art. The amendments are discussed in more detail below.

Further, during telephonic conferences with the Examiner on December 10 and 11, 2007, the Examiner agreed that submitting a substitute Specification and a replacement Abstract on a separate page was sufficient to overcome the objections to the Specification (to be discussed below). The Examiner agreed that marked up copies of the Specification and Abstract showing changes were not required because no substantive changes are being submitted. Further, the Examiner agreed that the claims as originally filed were not required to be included to overcome the informalities because the copy of the claims included in the present Office Action Response is properly formatted and replaces the preceding set of claims.

### **II. Objections to the Specification**

The Examiner has objected to the Specification because the copy currently held by the office is not properly formatted for the record. In addition, the abstract of the disclosure is objected to. Further, the Examiner contends that the claims are incorrectly formatted and should be scaled to fit the page.

In response, the Applicants submit a substitute Specification herein, pursuant to 37 CFR 1.125(a), in a proper format for the Examiner's consideration. No new matter is introduced because the substitute Specification only corrects formatting irregularities in the Specification as originally filed. Further, a replacement Abstract is submitted on a separate sheet per the Examiner's request. The Applicants believe that the substitute Specification and replacement Abstract are properly formatted and overcome the objections. Moreover, during the telephonic conferences with the Examiner as discussed above, the Examiner agreed that submitting a properly formatted substitute Specification along with a replacement Abstract on a separate page was sufficient to overcome the objections without requiring that a marked up copy of each document be provided. The Examiner also agreed during the telephonic conferences that the claims as originally filed were not required to be submitted because the claims in this response are properly formatted and replace any preceding set of claims. Accordingly, reconsideration and withdrawal of the objection to the Specification are respectfully requested.

### **III. Claims Rejected Under 35 U.S.C. § 103**

Claims 1-7, 9-20, and 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,916,299 issued to Poppen ("Poppen") in view of U.S. Patent No. 4,982,329 issued to Tabata ("Tabata"), U.S. Patent Publication No. 2003/0030399 filed by Jacobs ("Jacobs"), U.S. Patent No. 6,879,934 issued to Teig ("Teig") and U.S. Patent No. 6,429,016 issued to McNeil ("McNeil").

Claim 1, as amended, recites the elements of "scheduling a resource to travel the path between the first location and the second location in response to a request, the scheduling of the resource based on a comparison of a priority of the request with a priority of a scheduled task." Support for the amendment may be found, for example, in paragraph [0199] of the Specification. Poppen fails to teach or suggest these elements. Poppen determines the path on an abstract level without consideration of scheduling resources based on "a priority of the request with a priority of a scheduled task," as required by the claim. As discussed during the Examiner's interview, the feature of high level management of operations in a warehouse (i.e., "scheduling a resource") is entirely absent from Poppen. Consequently, Poppen fails to teach or suggest the elements of "scheduling a resource to travel the path . . . in response to a request, the scheduling of the

resource based on a comparison of a priority of the request with a priority of a scheduled task.” Thus, for at least these reasons, Poppen fails to teach or suggest each element of claim 1.

Further, the Applicants submit that the remaining cited art fails to disclose the missing elements. Tabata relates to a self-contained unmanned vehicle that stores coordinate data of the nodal points of the trajectory that is capable of being traversed by the unmanned vehicle. Tabata, column 4, lines 1-5. Similar to Poppen, Tabata assigns the unmanned vehicle to the trajectory (i.e., path) without any consideration of “a priority of the request with a priority of a scheduled task.” Jacobs deals with a robot system to perform tasks along a path, but again no scheduling of these tasks based on priorities is disclosed. See Jacobs, paragraph [0093]. Teig discloses using either a Euclidean model or Manhattan model for determining the shortest distance between an external point and bounding polygon, but fails to teach anything related to scheduling resources between sets of points (i.e., a path). See Teig, column 4, lines 34-50. Finally, McNeil discloses a type of robot device that receives navigation instructions to perform drop offs and pick ups for liquid samples, but also fails to disclose scheduling tasks as recited in claim 1. See McNeil, column 9, lines 4-21; Fig. 6. In addition, during the Examiner’s interview, the Examiner agreed that the cited art failed to teach or suggest these features related to high level management of operations in a warehouse (i.e., “scheduling a resource”) in the manner recited in claim 1.

Thus, in view of at least the foregoing reasons, the Applicants respectfully submit that Poppen in view of Tabata, Jacobs, Teig, and McNeil fails to teach or suggest each element of claim 1. In addition, dependent claims 2-7 and 9-12 are patentable over the cited art because each of these claims depends on claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 1-7 and 9-12 are respectfully requested.

With respect to claims 13 and 19, these claims, as amended, recite analogous limitations to those in claim 1. Thus, for at least the reasons discussed in connection with claim 1, Poppen in view of Tabata, Jacobs, Teig, and McNeil fails to teach or suggest each element of claims 13 and 19. As discussed previously, the Examiner also agreed during the Examiner’s interview that the cited art failed to teach or suggest the elements related to “scheduling a resource” that performs high level management of operations as recited in claims 13 and 19. Moreover, dependent claims 14-18, 20, and 29-31 are patentable over the art of record because each of these

claims depends on base claim 1, 13 or 19. Accordingly, reconsideration and withdrawal of the rejection of claims 13-20 and 29-31 are respectfully requested.

Claims 8 and 21-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Poppen in view of Tabata, Jacobs, Teig, and McNeil and in further view of U.S Patent Publication No. 2004/0068352 filed by Anderson (“Anderson”).

In regard to claim 8, this claim depends on base claim 1 and incorporates the limitations thereof. Claims 21-28 depend on base claim 19 and incorporate the limitations thereof. Therefore, for at least the reasons discussed in connection with claims 1 and 18, Poppen in view of Tabata, Jacobs, Teig, and McNeil fails to teach or suggest each element of claims 8 and 21-28. Further, Anderson fails to teach or suggest the missing elements. The Examiner has not cited and the Applicants are unable to discern the portion of Anderson that teaches or suggest the missing elements. Thus, for at least these reasons, Poppen in view of Tabata, Jacobs, Teig, and McNeil in further view of Anderson fails to teach or suggest each element of claims 8 and 21-28. Accordingly, reconsideration and withdrawal of the rejection of claims 8 and 21-28 are respectfully requested.

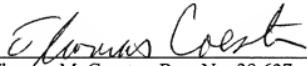
## **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

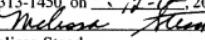
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## **CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on 12-12, 2007.

  
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Melissa Stead 12-12-2007